

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

PAUL W. DRIGGERS,)	
)	
Plaintiff,)	
)	
vs.)	No. CIV-10-877-C
)	
A. CLARK, et al.,)	
)	
Defendants.)	

ORDER AFFIRMING REPORT AND RECOMMENDATION

This civil rights action brought by a prisoner, proceeding pro se, was referred to United States Magistrate Judge Gary M. Purcell consistent with the provisions of 28 U.S.C. § 636(b)(1)(B). Judge Purcell entered his Report and Recommendation on September 20, 2010, to which Plaintiff has timely objected. The Court therefore considers the matter de novo.

28 U.S.C. § 636(b)(1)(B) permits the referral of complaints filed by prisoners to a Magistrate Judge for findings and recommendations, and upon objection, the district judge will conduct a de novo review. Plaintiff's "Objection to Lack of Notice of Right to Reject the Assignment of Magistrate" (Dkt. No. 16) is therefore without merit and is overruled.

The facts and law are accurately set out in the Magistrate Judge's Report and Recommendation and there is no purpose to be served in repeating them yet again. The Plaintiff raises no legitimate factual or legal dispute in his objection, but merely restates the

conclusions and legal argument originally asserted, and raises no issue not fully and accurately addressed and rejected by the Magistrate Judge.

Plaintiff's "Motion to Amend Complaint by Supplementation" (Dkt. No. 17) is denied, as the subject matter jurisdiction of this Court, which he seeks to supplement by way of amendment, is not in issue.

Accordingly, the Court adopts, in its entirety, the Report and Recommendation of the Magistrate Judge, and for the reasons announced therein, this action is dismissed. Plaintiff's motions (Dkt Nos. 16 & 17) are denied. Because no amendment could cure the defects noted in the Report and Recommendation, this dismissal acts as an adjudication on the merits, and judgment will enter accordingly.

IT IS SO ORDERED this 8th day of November, 2010.


ROBIN J. CAUTHRON
United States District Judge